

Kooxan, J

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE LEHMAN BROTHERS ERISA
LITIGATION

: 08 Civ. 5598 (LAK)
: and consolidated cases
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:
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STIPULATION AND [PROPOSED] SCHEDULING ORDER

Plaintiffs and Defendants Michael L. Ainslie, John F. Akers, Roger S. Berlind, Erin M. Callan, Thomas H. Cruikshank, Marsha Johnson Evans, Richard S. Fuld, Jr., Sir Christopher Gent, Jerry A. Grundhofer, Roland A. Hernandez, Henry Kaufman, John D. Macomber and Wendy M. Uvino (collectively, the "Individual Defendants"), by and through their respective undersigned counsel, hereby stipulate, subject to Court approval, as follows, concerning the filing of an Amended Consolidated Complaint and briefing thereon:

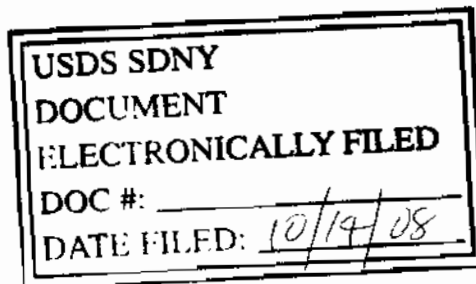
RECITALS

WHEREAS, on September 4, 2008, the Court consolidated four pending purported ERISA class actions into the above captioned action;

WHEREAS, on September 4, 2008, the Court appointed Gainey & McKenna and Wolf Haldenstein Adler Freeman & Herz LLP as interim co-lead counsel for Plaintiffs;

WHEREAS, on September 4, 2008, the Court ordered Plaintiffs to file a Consolidated Amended Complaint, which will supersede all earlier complaints, no later than October 14, 2008,

WHEREAS, on September 15, 2008, Defendant Lehman Brothers Holdings Inc. ("Lehman") filed a voluntary petition under Chapter 11 of the Bankruptcy Code in the



Bankruptcy Court for the Southern District of New York and, as a result, the automatic stay of Section 362 of the Bankruptcy Code is in effect as to Lehman;

WHEREAS, the above-captioned action relates to a separate purported securities class action, pending before this Court captioned *Operative Plasterers and Cement Masons Int'l Ass'n Local 262 Annuity Fund v. Lehman Bros. Holdings, Inc., et al.*, case number 08-cv-5523 (the "Securities Action");

WHEREAS, on September 26, 2008 this Court entered a Stipulation and Scheduling Order in the Securities Action;

WHEREAS, the Plaintiffs and the Individual Defendants desire a schedule that coordinates with in the Securities Action;


THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiffs and the Individual Defendants, through their respective counsel of record, subject to the approval of the Court, as follows:

1. Plaintiffs shall file a Consolidated Amended Complaint no later than October 27, 2008
2. The Individual Defendants shall file and serve responsive pleading(s) or motion(s) no later than December 10, 2008
3. If any Individual Defendant moves to dismiss the Consolidated Amended Complaint, Plaintiffs shall file and serve opposition brief(s) no later than January 9, 2009.
4. The Individual Defendants shall file and serve reply brief(s) no later than January 23, 2009.

IT IS SO ORDERED

Dated

10/14/08



THE HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE

Dated: October 7, 2008

By: 

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